IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

HUMBERTO MARTINEZ-BENITEZ §

VS. § CIVIL ACTION NO. 4:18cv15

DIRECTOR, TDCJ-CID §

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Christine A. Nowak. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts same as the findings and conclusions of the court. It is therefore

ORDERED that the motion to dismiss (Dkt. #7) is **GRANTED**, that the above-styled petition for a writ of habeas corpus is **DENIED**, and that the case is **DISMISSED** with prejudice as timebarred. A certificate of appealability is **DENIED**. All motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this the 5th day of February, 2019.

RICHARD A. SCHELL

UNITED STATES DISTRICT JUDGE